

CERTIFIED TRUE COPY

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FILED

JUL 16 1998

EDWARD W. BEGLIN, JR.
A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
DOCKET NO: UNN-L-L002608-95

NEW JERSEY STATE BOARD)
OF DENTISTRY)

Plaintiff,)

v.)

ANTONIO YANEZ, a.k.a.,)
HERNAN NIEVES,)

Defendant.)

Civil Action

FINAL ORDER

This matter having been opened to the Court by Deborah T. Poritz, ^{former} Attorney General of New Jersey, by Olga E. Bradford, Deputy Attorney General, counsel for the plaintiff New Jersey State Board of Dentistry and the Court having read the papers submitted by the plaintiff; and there being no appearance by Antonio Yanez, a.k.a. Hernan Nieves, after proper and sufficient service of the supporting papers in this matter; and the Court hereby being satisfied that the Order dismissing this matter for lack of prosecution on May 29, 1998, was issued erroneously; and for good cause shown, the Court finds that the State has established by competent proofs the following facts;

a. The defendant Antonio Yanez is neither presently nor has he ever been licensed to practice dentistry in the State of New Jersey;

b. On or about March 3 through 24, 1995, Mr. Yanez offered to provide dentistry services, thereby practicing dentistry within the meaning of N.J.S.A. 45:6-19;

c. On May 10, 1995, as a result of an Order to Show Cause with Temporary Restraints and Authorization to Conduct an Inspection and Impound executed by the Honorable Edward W. Beglin, Jr., A.J.S.C., on May 2, 1995, an inspection and impoundment of premises occupied by the defendant occurred resulting in the confiscation of many items, including dental equipment, a payment ledger, various materials utilized in making dental impressions, actual dental impressions, ampules of Lidocaine, Mepivacaine, Carbocaine, bottles of topical anesthetic as well as disposable dental hypodermic needles;

d. The defendant's conduct therefore constituted the unlicensed practice of dentistry in violation of N.J.S.A. 45:6-19;

e. The defendant failed to respond to the Order to Show Cause and the Verified Complaint filed in this matter by the plaintiff State Board of Dentistry and validly served upon him.

IT IS therefore ON THIS 16th DAY OF July 1998,

ORDERED THAT:

1. The May 23, 1995, Order dismissing this matter without prejudice for lack of prosecution is hereby vacated;

AND IT IS FURTHER ORDERED THAT:


2. The defendant Antonio Yanez, a.k.a. Hernan Nieves, be and is hereby permanently enjoined and restrained from engaging in or offering to engage in the practice of dentistry, as defined in N.J.S.A. 45:6-19, in New Jersey unless and until he is licensed to do so in this State;

AND IT IS FURTHER ORDERED THAT:

3. The plaintiff State Board of Dentistry and the Division of Consumer Affairs may dispose, discard and/or destroy any and all of the dental equipment seized from the premises under the control of the defendant, located at 210 West Front Street, Plainfield, New Jersey, on May 10, 1995, as a result of the execution of the Order to Show Cause with Temporary Restraints and Authorization to Conduct an Inspection and Impound executed by Judge Beglin, A.J.S.C., on May 2, 1995;

AND IT IS FURTHER ORDERED THAT:

4. The defendant Antonio Yanez, a.k.a., Hernan Nieves, shall immediately pay penalties in this matter in the amount of \$2,500.00 and costs in the amount of \$3,696.49, which represents fifty-four (54) hours and twenty (20) minutes of investigatory time spent in this matter, to be delivered to the State Board of Dentistry, Attention: Agnes M. Clarke, Executive Director, at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.


EDWARD W. BEGLIN, JR. A.J.S.C.